

Allowing sheriffs and deputies to appear as attorneys  
(HB 3109 by Stiles/Armbrister)

DIGEST: HB 3109 would have repealed a provision in current law that prohibits sheriffs and their deputies from practicing law in a court of record.

HB 3109 would also have permitted counties to put jail facilities anywhere within their boundaries, repealing provisions that require county jails to be in the county seat unless they are regional facilities or are in counties that have only one county jail.

GOVERNOR'S  
REASON  
FOR VETO:

The bill could be misinterpreted to allow the unauthorized practice of law. In addition, severe conflicts of interest could result from permitting an arresting authority to serve as a prosecuting authority or assist in a prosecution.

RESPONSE:

The governor made an uninformed decision to veto this strong law-and-order bill, said Rep. Mark Stiles, the author of HB 3109. HB 3109 was vetoed "only because Rider Scott didn't like the bill and he got the governor to veto it."

NOTES:

HB 3109 passed the House on the Consent Calendar and was not analyzed in a Daily Floor Report; it originally dealt only with the location of county jails. The Senate added the provision permitting sheriffs and deputies to appear as attorneys in a court of record. The text of this provision is the same as HB 719 by Price, which was placed on the General State Calendar but never voted on by the House. The House Research Organization analysis of HB 719 appeared in the May 23, 1989 Daily Floor Report.

During the first called session, the Legislature enacted HB 25 by Stiles, which allows a county jail to be built anywhere within a county, at the discretion of the commissioners court. HB 25 does not include a provision allowing sheriffs and deputies to appear as attorneys. The House Research Organization analysis of HB 25 appeared in the July 10, 1989 Daily Floor Report.